

City of Tillamook Planning Commission Meeting
April 5, 2007

Commissioner Present:

Ray Jacobs
Rob Huston
Jan Stewart
Tamra Jacobs
Howard Harrison
Nick Hahn

Commissioner Absent:

Steve Munoz (excused)

Hearings of Citizens and Delegations: None

Minutes:

Commissioner Hahn moved to approve the minutes from the meeting held on March 1, 2007. Commissioner Huston seconded the motion. The motion passed with a unanimous aye vote, with Commissioners R. Jacobs, Harrison, and T. Jacobs abstaining.

Chairperson Stewart then read the hearing disclosure.

Bank of Astoria SP-07-03 and CU-07-01 To construct an approximately 3,950 square foot two-story bank building with the reuse of existing drive-thru facilities, considered a change of use of a non-conforming use, within the Central Commercial and Town Center Zone Districts of the City of Tillamook

Chairperson Stewart asked for any ex parte contact, bias, or conflict of interest. There was none, and there was no challenge from the audience. City Planner then presented the staff report.

Commissioner R. Jacobs asked City Planner if his property was within the 250 ft. notification area. City Planner said it was not.

Commissioner Harrison asked if the drive thru had to remain in the same location on the property. City Planner stated that if it doesn't remain in the same space, it would be an expansion of the non-conforming use, which would require other criteria. Commissioner Huston added that it was going from one to two drive thru lanes, which makes it seem less restrictive.

Commissioner Huston asked for clarification regarding the right turn access, and the requirement of a traffic study. City Planner explained that ODOT would not require a traffic study unless they do a full access off Third Street.

Chairperson Stewart then called a five minute recess.

Applicant: B. Zenczak, Architect, 4545 S. Union, Ste. 200, Tacoma, WA. 98409
Sherry Folk, President, Bank of Astoria
Patty Millspaugh, Realtor
Jerry Isaacson, Architect

Mr. Zenczak stated that the building would be in the same location, but set back one foot on each corner. The parking would be on the side. The access would be a right turn in off Third Street, with a one way driveway. The drive thru would be one lane for transactions and one for the ATM use. The area would be enhanced with landscaping. There would be no trees along Third Street due to the ODOT restrictions. They would also be redoing the sidewalks. The building will comply with the design standards. It is proposed to be a two-story building with the corner as a focal point. It will have a copper colored metal roof with the exterior being primarily brick with accents of limestone or concrete. The two outdoor covered areas will also be out of brick and concrete accents. There will be no windows around the teller area for safety reasons, but this still meets the requirements. The lobby will be two stories also, with the second story being a “C” shape, which will include restrooms, a break room, and offices.

Commissioner T. Jacobs asked the applicant how many employees they will have and where they would be parking. The applicant said they will have 6-8 employees, and that they have not discussed parking yet.

Commissioner Huston asked about the ADA requirements, and if there should be an elevator for handicap access. The applicant stated that all services provided upstairs would also be provided downstairs.

Chairperson Stewart asked for any proponents, opponents, or neutral testimony. There was none. Chairperson Stewart then closed the public hearing for Commission Discussion.

Commissioner T. Jacobs asked how everyone feels about a traffic study not being done. Chairperson Stewart said that she doesn't feel she is qualified to determine what is best there, but she does feel the Commission should pay attention to the issue. She added that the motion could be made including the requirement of a traffic study.

City Planner said that the City is preparing to do a traffic study at Third Street and Stillwell Avenue, because they are looking at doing a four way stop, which is separate from this plan.

Chairperson Stewart suggested that because this is such a big issue, maybe the Commission could resolve some of the smaller issues, and come back to this one.

Commissioner Huston said that it looks like this is an expansion of a conditional use because the drive thru is multiplying. Also the transaction turn over rate is so quick, this would add to the increased use.

Chairperson Stewart said that it is up to the Commission to interpret the language in the codes. During the recess she was looking for the definition of restrictive, and could not find it, so it is up to the Commission to determine what the intent is.

Commissioner T. Jacobs asked about the employee parking, which is always an issue downtown. City Planner said that it is up to the bank to determine whether the employees park in the lot, or have to park outside of the district.

Commissioner Harrison asked how the Commission can make sure the building will be done in brick, and referenced to the Safeway building. City Planner said that the applicant has stated on the record that it will be done in brick, and that is what is presented in the application. Any changes will have to be approved by the Commission, and will not be handled administratively.

Commissioner Huston said that the requirements for the non-conforming use do not seem to fit by his interpretation. The use seems to be less restrictive. City Manager added that the intent of the restrictions on drive thru's in the down town area is to get people out of their cars. With other sites that are vacant, the situation might be different, but because this already had a drive thru, he asked that the Commission be less restrictive.

Chairperson Stewart one of the criteria is that the proposed use would not more adversely affect the character of the district, and that is a decision for the Commission to make. Also that the change of use will not result in the enlargement of the space occupied by a non-conforming use. Commissioner Harrison asked if this meant the footprint of the building, the lot size, or the use. Chairperson Stewart said that this is one of the things that are open for interpretation by the Commission. Commissioner Harrison stated that he feels the use not adversely affecting the area is the most important criteria.

Commissioner T. Jacobs said that if a traffic analysis was done, then ODOT would have the information and could pass on any suggestions to the Commission. Chairperson Stewart said that ODOT reviewed this application and did not require an analysis be done.

Chairperson Stewart then re-opened the public hearing to allow the applicant to provide additional information.

Mr. Zenczak reviewed his interpretation of the section regarding the right turn only. He also added that a back up of traffic would not benefit the bank, so they are doing all they can to prevent this from being a problem.

Commissioner Harrison asked if the applicant considered making it a right turn only for the exit on Stillwell. The applicant said that he feels they are improving the traffic by making the access from Third Street a right turn only. Also the current site is three lanes, with an entrance, exit, and a drive thru exit. They are cutting it down to just two exits.

Chairperson Stewart closed the public hearing.

Commissioner T. Jacobs asked if when making the motion, does it need to be stated that the Commission is making an exception for the metal roof, so that there is not an issue of setting precedence.

Chairperson Stewart called a ten minute recess.

There was more discussion regarding the expansion of the drive thru. Commissioner Huston said he would feel more comfortable if there was clarification as to why the Commission allowed the expansion of the drive thru.

Commissioner T. Jacobs moved to approve CU-07-01 and SP-07-03 with the changes made to the findings and conditions, in accordance with staffs findings of facts, amending section 22, #3, roof form, stating that an exception is being made for this applicant regarding the prohibition of standing seam metal roofing due to the proportionately low percentage of the overall structure and it's complimentary aesthetic value to the adjacent property.

Also amending section 31 of non-conforming use #1, C, an exception is being made to the expansion for safety reasons surrounding the ATM lane.

Commissioner Harrison seconded the motion. The motion passed with a unanimous aye vote. The vote was as follows:

Commissioner Hahn-aye
Commissioner Harrison-aye
Commissioner T. Jacobs-aye
Commissioner Huston-aye
Commissioner R. Jacobs-aye

Chairperson Stewart announced that there is a ten day appeal period from the date of this hearing.

TLC Federal Credit Union, CU-07-07 and SP-07-04 To construct a 19 stall off street and off site parking lot, for the approved 24,327 square foot 3 story TLC and First American Title office building, as an expansion of an existing non-conforming use onsite, within the Single Family Residential Zone District of the City of Tillamook

Chairperson Stewart asked for any ex parte contact, bias, or conflict of interest. Commissioner Huston stated that he is a former employee of TLC and that they are current clients of his, and said that he is not bias. There was no challenge.

City Planner read a summary of the staff report.

Chairperson Stewart asked City Planner what the lighting requirements are for this application. City Planner referred to the Site Plan, and the lighting map. Commissioner T. Jacobs asked if there is a similar lot in a residential area that this can be compared to. City Planner said the Sacred Heart lot would be the only one he could think of.

Commissioner Harrison asked City Planner for clarification on what this non-conforming use is. City Planner said that they are expanding the non-conforming commercial use to a parking lot, which is an allowed commercial use. Commissioner T. Jacobs asked if this

should be a change of use. City Planner said that the business is a non-conforming use, and that is what the expansion is on.

Applicant, Cate Mayer, TLC Federal Credit Union, 2101 5th Street, Tillamook

Ms. Mayer said that at the last meeting, one of the conditions set was that they provide additional parking. The building will be shared with First American Title. This lot will be used for First American and TLC employees only, during business hours. This lot can also be used by neighboring businesses after hours.

Commissioner Harrison asked if the lot will be blocked off after hours. It will not be.

Commissioner T. Jacobs asked the applicant how they plan to keep residents in the surrounding area from using the lot, would there be signs up stating for TLC only. Ms. Mayer referred to the agreement they have at their current site, with St. Albans Church. She said that they would have the appropriate signs posted in the lot.

Commissioner Huston asked the applicant to describe the foot candle lighting. She said that it was described to her as the measurement used for the way the light comes down. It keeps the light confined to a certain area.

Chairperson Stewart asked for any proponents, opponents, or neutral testimony. There was none. The public hearing was closed for Commission Discussion.

Commissioner T. Jacobs asked City Planner if there should be a zone change. City Planner said that this is an expansion of a commercial use. Commissioner T. Jacobs said that the business is a home-based business in a residential area. Chairperson Stewart said that staff has determined that this is a commercial use that fits under the non-conforming use.

Commissioner Harrison suggested that the issue of the lighting should be put into a condition, stating how far the light goes, to make sure it doesn't disturb the area.

Chairperson Stewart added her concern that this is in a residential area, and there could be a lot of skateboarding, basketball, etc. in the lot. In the past the Commission has required signage to increase safety for children, and this is something to think about for this parking lot also.

Commissioner T. Jacobs said that her concern is that people are encouraged to stay within the crosswalk, but because a commercial use is being added, there should be something to bring more attention to the areas where people will be crossing from the lot. She asked if the City would do this or if it is ODOT's responsibility. City Planner said it is up to ODOT to determine whether to add a crosswalk, because Third Street is a state highway.

Chairperson Stewart suggested that the concerns can be made into conditions. She also reminded the Commission that a motion can be made to deny the application. Commissioner T. Jacobs stated that she sees this application as a change of use in a residential zone, not an expansion. Commissioner Harrison asked what process is used to make this a change of use application instead. City Planner said that the process would

have to start over, and reminded the Commission that there is a 120 day limit for decisions to be made. The approval of the other application was done last month, which required TLC to find off street parking, and if this is extended, the limit will soon be up.

Commissioner Harrison moved to approve CU-07-02 and SP-07-04 with conditions added requiring crosswalks be added at the intersections of Elm and Third and the intersections of Douglas and Third. Also adding a condition requiring proper signage be posted in the lot regarding the hours of use, as well as children safety. Commissioner Huston seconded the motion.

Commissioner T. Jacobs asked for a friendly expanding the amendment to add that the signage in the lot comply with vision clearance standards.

Commissioner Huston seconded the motion as amended.

Commissioner Hahn added for the record that he feels approving this application would be adding a commercial use in a residential area.

Commissioner Huston called for the question. The vote was as follows:

Commissioner R. Jacobs-aye

Commissioner Huston-aye

Commissioner T. Jacobs-nay

Commissioner Harrison-aye

Commissioner Hahn-aye

The motion carries with a vote of four aye votes and one nay vote. Chairperson Stewart announced that there is a ten day appeal period from the date of this hearing.

Commissioner T. Jacobs stated that she is not against the project, just the way the application is being presented.

Commission Concerns:

Commissioner Huston asked about training workshops. Commissioner Harrison asked about the tree ordinance, and brought up the trees at Third and Cedar. Commissioner T. Jacobs asked about the bike rack at the Library. Commissioner Harrison added that Safeway has trees for sale that are pushed out onto the sidewalk.

There being no further business, the meeting was adjourned at 11:02 pm.

Submitted by,

Jodee Averill
Planning Secretary

Approved by:

Jan Stewart, City Planning Commission Chair

Date